

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL CRUM,

No. C 08-04162 CRB

Plaintiff,

**REMAND ORDER**

v.

CITY OF OAKLAND,

Defendant.

Plaintiff Paul Crum filed a complaint asserting three claims against Defendant City of Oakland: (1) violation of California Government Code § 12940; (2) violation of the Americans with Disabilities Act of 1990 (“ADA”); and (3) violation of California Civil Code § 3294. On October 31, 2008, the Court granted Defendant’s Motion to Dismiss as to Count Two with thirty days leave to amend. The Court further granted dismissal of Count Three without leave to amend. The Court indicated that if Plaintiff did not amend the complaint so that it supports an alleged violation of the ADA, the Court would remand this case to state court as the only remaining cause of action arises under state law.

More than thirty days have passed since the Court’s Order and Plaintiff has not amended his complaint. As there is no federal question that would give this Court jurisdiction, see 28 U.S.C. § 1331, this matter is hereby REMANDED to the Alameda

1 County Superior Court. The Initial Case Management Conference scheduled for December  
2 12, 2008 is vacated.

3 **IT IS SO ORDERED.**

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6 Dated: December 8, 2008

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California